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**LICENSING POLICY 2008**

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**Responsible Cabinet Member - Councillor Bill Dixon,  
Neighbourhood Services and Community Safety Portfolio**

**Responsible Director - Paul Wildsmith, Director of Corporate Services**

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**Purpose of Report**

1. To present to Members the final draft of the Council's revised Licensing Policy document (see **Appendix 1**), which is due to be published, in accordance with statutory requirements, on 7 January 2008.

**Background**

2. The Licensing Act 2003, which transferred liquor licensing from the Magistrates to Local Authorities, requires all Local Authorities to prepare, consult on and publish a Licensing Policy. The initial policy document was approved by Council on 6 January 2005 and published on 7 January 2005. This Policy is a "living document" which must be statutorily reviewed at least every 3 years.

**Outcome of Consultation**

3. A widespread consultation exercise has been undertaken which has included licence holders, Responsible Authorities and Trade Associations. All Darlington Borough Councillors have been included in the consultation and in addition a report was taken to the Council's Licensing Committee. An article appeared in the Northern Echo on 23 July 2007 inviting local residents to make comments and the draft policy has also been made available on the Council's website. The period for consultation ended on 11 September 2007. A total of six responses were received of which three (one from the Police, one from Childrens Services and one from one of the Pub Companies that holds Premises Licences) simply supported the revised policy, one from the Fire Service requested minor amendments, one from the Trading Standards made grammatical corrections and suggested minor amendments and one was received from a trade organisation, which made generic comments about Council licensing policies, none of which were relevant to the Darlington policy. As a result of this exercise the Policy has been reviewed and modified. A list of the consultation responses has been attached to this report (see **Appendix 2**).

## **Legal Implications**

4. The Borough Solicitor has considered this report for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members.

## **Section 17 of the Crime and Disorder Act 1998**

5. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent, crime and disorder in its area. The Licensing Policy specifically considers four statutory licensing objectives as follows:
  - (a) The Prevention of Crime and Disorder
  - (b) The Prevention of Public Nuisance
  - (c) Public Safety
  - (d) The Protection of Children from Harm

## **Council Policy Framework**

6. The issue contained within this report is required to be considered by Council:
  - (a) The approval of the Council's licensing policy

## **Conclusion**

7. The Licensing Act 2003 requires that the Council's Licensing policy be reviewed at least every three years. The initial policy was published on 7 January 2005. The revision of the policy has been undertaken in accordance with the legislative requirements and must be published no later than 7 January 2008.

## **Recommendation**

8. Council is requested to approve the final draft of the Licensing Policy for publication on 7 January 2008.

## **Reasons**

9. The legislative requirements of the Licensing Act 2003 is the reason the recommendation is supported.

**Paul Wildsmith**  
**Director of Corporate Services**

## **Background Papers**

Licensing Act 2003

Revised Guidance issued under Section 182 of the Licensing Act 2003

## **Appendix**

1 Licensing Policy

2 Proposed Revised Licensing Policy – June-September 2007 – Consultation Responses

Pam Ross Extension 2647